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POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	CIVIL NO. CV03-00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
vs.	)	CERTIFICATE OF SERVICE;
	)	EXHIBIT "A"
HAWAIIAN EXPRESS SERVICE,	)	
INC., et al.,	)	
Defendants.	)	
	)	

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 10, 2006, copies of the following were duly served via the Court's electronic transmission facilities, to the parties listed on the attached Exhibit "A":

1. SUPPLEMENTAL DECLARATION OF LEX R. SMITH
2. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF MR. BERRY'S ALLEGED VENDETTA
3. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF PRIOR UNRELATED JUDGMENT AGAINST PLAINTIFF AND HIS FINANCES
4. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OF THE LOCATION OF ATLANTIC PACIFIC INTERNATIONAL, INC'S BUSINESS RECORDS
5. THE POST-CONFIRMATION TRUST FOR THE FLEMING COMPANIES, INC.'S MEMORANDUM IN RESPONSE TO PLAINTIFF WAYNE BERRY'S MOTION *IN LIMINE* TO EXCLUDE TESTIMONY OF JACK BORJA AND RALPH STUSSI
6. DEFENDANT PCT'S OPPOSITION TO PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF JEFFREY KINRICH REGARDING MATTERS NOT CONTAINED IN HIS EXPERT REPORT; DECLARATION OF DAMIAN CAPOZZOLA IN SUPPORT OF DEFENDANT PCT'S OPPOSITION TO PLAINTIFF WAYNE BERRY'S MOTION IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF JEFFREY KINRICH REGARDING MATTERS NOT CONTAINED IN HIS

EXPERT REPORT; EXHIBITS “A” – “E”

7. DEFENDANT PCT’S RESPONSE TO PLAINTIFF WAYNE BERRY’S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DEDUCTIBLE EXPENSES AND BARRING ANY TESTIMONY FROM THE PCT’S EXPERTS; DECLARATION OF DAMIAN D. CAPOZZOLA IN SUPPORT OF DEFENDANT PCT’S RESPONSE TO PLAINTIFF WAYNE BERRY’S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DEDUCTIBLE EXPENSES AND BARRING ANY TESTIMONY FROM THE PCT’S EXPERTS; EXHIBITS “A” – “G”

8. DEFENDANT PCT’S RESPONSE TO PLAINTIFF WAYNE BERRY’S MOTION IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF BRADLEY DECHTER; DECLARATION OF DAMIAN CAPOZZOLA IN SUPPORT OF DEFENDANT PCT’S RESPONSE TO PLAINTIFF WAYNE BERRY’S MOTION IN LIMINE TO EXCLUDE EXPERT TESTIMONY OF BRADLEY DECHTER; EXHIBITS “A” – “C”

9. DEFENDANT FLEMING COMPANIES, INC.’S PROPOSED JURY INSTRUCTIONS;

10. CONCISE STATEMENT OF THE CASE TO BE READ DURING VOIR DIRE (PER MAY 2, 2005 AMENDED SCHEDULING ORDER, PARAGRAPH 18); SUGGESTED TOPICS FOR VOIR DIRE

11. DEFENDANT PCT’S TRIAL BRIEF;

12. DECLARATION OF DAMIAN CAPOZZOLA IN SUPPORT OF DEFENDANT PCT’S TRIAL BRIEF; EXHIBITS “A” – “C”

13. PCT’S PROPOSED VERDICT FORMS

14. JOINT EVIDENTIARY OBJECTIONS

DATED: Honolulu, Hawaii, January 10, 2006.

KOBAYASHI, SUGITA & GODA

/s/ Thomas H. Yee

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